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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,606	11/20/2001	Khai Pham	19903.0003	8810

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EXAMINER
CHAI, LONGBIT

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/988,606	PHAM ET AL.
	Examiner	**Art Unit**	
	Longbit Chai	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 May 2005*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
     closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,5,8,10-17,20,22-27,31,34,36-43,46,48-53,57,60,62-69,72 and 74-87* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *20 November 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1,5,8,10-17,20,22-27,31,34,36-43,46,48-53,57,60,62-69,72 and 74-87.

DETAILED ACTION

1.   Claims 1-78 have been presented for examination. Claims 2 – 4, 6 – 7, 9,

18 – 19, 21, 28 – 30, 32 – 33, 35, 44 – 45, 47, 54 – 56, 58 – 59, 61, 70 – 71 and

73 have been canceled; claims 1, 27 and 53 have been amended; and new

claims 79 – 87 have been added in an amendment filed 5/10/2005.

Response to Arguments

1.   Applicant's arguments filed on 5/10/2005 with respect to the subject matter

of the instant claims have been fully considered but are not persuasive.

2.   As per former claim 4 et al., Applicant argues: "Bates'732 does not teach

allowing access to a web page before determining whether the Web page is

included in the database". Examiner notes Applicant's arguments have been

fully considered but are not persuasive. Bates'732 teaches allowing the user to

click on radio buttons to determine whether (a) web pages are never checked, (b)

checked by explicit request of the user, or (c) always checked automatically for

viruses before the web server delivers these items to the user via the web client

(Bates: Column 8 Line 50 – 54). The provided manual sequence that allows the

user to select clicking on (a) and then (b) is indeed allowing the user, as one of

the options, to access to a web page before determining whether the Web page

is included in the database (i.e. virus checking).

3.   As per claim 15, 41 and 67, Applicant argues: "Bates'732 does not teach

allowing hosting of the first Web page based on whether the Web page includes

a link to a Web site that is included in the database". Examiner notes Applicant's

arguments have been fully considered but are not persuasive. Bates'732

teaches allowing the user to access the first Web page based on whether the

Web page includes a link to a Web site that is included in the database

(Bates'732: see for example, Figure 9 Element 922), and in addition, as taught by

Bates'732, if a virus is found: (a) a message reporting the virus is sent to the

client (step 1030), (b) the virus information is entered into the virus information

database (step 1040), and (c) the appropriate authorities are notified of the virus

(Bates: Column 11 Line 29 – 33). Therefore, by performing the actions as

described above, the system as taught by Bates'732 is indeed virtually (and

substantially) allowing / denying hosting of the first Web page based on whether

the Web page includes a link to a Web site that is included in the database.

4.   As per claim 6, 7, 9 et al., Applicant argues: "Bates'732 does not teach

fetching other Web pages associated with the links so that they may be <u>scanned</u>

and information relating to the Web sites may be stored (page 23 Line 1 – 2)".

Examiner notes Applicant's arguments have been fully considered but are not

persuasive because Bates'732 teaches (a) extracting, from a first Web page, a

link to a second Web page (Bates'732, Column 11 Line 7 – 9) and further

referring to another virus checking option (b) allowing a web server / client to

execute a "virus checker program" and report the existence of any viruses

(Bates'732, Column 11 Line 17 – 26), and (c) entering the virus information into

the virus information database (Bates'732, Column 11 Line 31) as a method to

generate the database to meet the claim language.

5.   Furthermore, Applicant argues: "Bates'732 does not teach scanning the second Web page for terminology relating to computer viruses (Page 24)". Examiner notes (a) see the same rationale addressed by the paragraph right above and (b) Bates'732 teaches the virus checker program detects the presence of viruses that are defined in its virus definitions (Bates'732, Column 5 Line 44 – 49: Examiner notes "virus definition" is obviously involved terminology relating to computer viruses, which is further specified by UITC – "Virus Alert, 02/21/2001" UVA Information Technology and Communication, Page 1, Brief Summary, Line 9 – 11).

6.   As per new claim 79 and 80, see the paragraph immediately above in this section of "Response to Arguments".

7.   As per new claims 81 – 87, Applicant arguments are moot in view of the new ground(s) of rejection and see the same reasons set forth in the following Office action.

8.   As per claim 1 – 78 of originally presented claims (or incorporated with its dependent claims), Examiner notes considering the long list of claims (1 – 78) and lengthy Office action with several repetitive claim limitations, please refer to 1st Non-Final Office action along with the above paragraphs in the section of "Response to Arguments" in this Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9.   Claim 1, 27 and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, 27 and 53 are indefinite because the amended claim language "allowing access to the Web page based on whether the Web page includes a link to a Web site that is included in the database; wherein allowing access to the Web page before determining whether the Web page is included in the database" constitutes self-contradicted subject matters as to what is the exact sequence in the claim limitations between allowing access to the Web page and determining whether the Web page is included in the database and thereby a person of ordinary skill in the art would not know how to implement this particular claim limitation accordingly.

Any other claims not addressed are rejected by virtue of their dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 81 and 83 – 87 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bates (Patent Number: 6785732), hereinafter referred to as

Bates'732, in view of Bates (Patent Number: 6721721), hereinafter referred to as

Bates'721.

As per claim 81, Bates'732 teaches the claimed invention as described

above (see claim 1), Bates'732 does not disclose expressly the generating is

carried out automatically utilizing a web crawler.

Bates'721 teaches the generating is carried out automatically utilizing a

web crawler (Bates'721: Figure 3 Element 42).

It would have been obvious to a person of ordinary skill in the art at the

time the invention was made to combine the teaching of Bates'721 within the

system of Bates'732 because Bates'721 teaches an improved virus checking

technique to provide a comparatively greater volume of virus status information

with the timeliness of most updates (Bates'721: Column 3 Line 50 – 55).

As per claim 83, Bates'732 teaches the claimed invention as described above (see claim 1), Bates'732 does not disclose expressly the information includes status information for causing the revisiting of HTML pages after a period of time.

Bates'721 teaches the information includes status information for causing the revisiting of HTML pages after a period of time (Bates'721: Column 9 Line 63 – Column 10 Line 8). Same rationale of combination applies here as above in rejecting the claim 81.

As per claim 84, Bates'732 teaches the claimed invention as described above (see claim 1), Bates'732 does not disclose expressly the information includes status information for causing the revisiting of HTML pages if false information is detected.

Bates'721 teaches the information includes status information for causing the revisiting of HTML pages if false information is detected (Bates'721: Column 11 Line 16 – 24: untrusted information is equivalent to a false information). Same rationale of combination applies here as above in rejecting the claim 81.

As per claim 85, Bates'732 teaches the claimed invention as described above (see claim 1), Bates'732 does not disclose expressly the information includes status information for preventing revisiting of HTML pages.

Bates'721 teaches the information includes status information for

preventing revisiting of HTML pages (Bates'721: Column 13 Line 53 – 60).

Same rationale of combination applies here as above in rejecting the claim 81.

As per claim 86, Bates'732 as modified teaches the claimed invention as

described above (see claim 81), Bates'721 further teaches a capability is

provided to monitor a progress of the web crawler to ensure that all pending links

are scanned, wherein a further capability is provided to periodically update

scanned of sites that have already been scanned (Bates'721: Column 10 Line 13

– 17 and Column 13 Line 53 – 60).

As per claim 87, Bates'732 teaches the claimed invention as described

above (see claim 1), Bates'732 further teaches the database includes a plurality

of records each with a server field (Bates'732: Column 6 Line 2 – 8: different web

servers), a path field (Bates'732: Column 6 Line 13 – 16), a name field

(Bates'732: Column 8 Line 11 – 14), an options field (Bates'732: Column 12 Line

44: the number of times the virus was detected is equivalent to an option field as

could be anything), a DAT version field (Bates'732: Column 8 Line 11 – 14 and

Column 5 Line 44 – 49: virus definition file is a virus DAT and different type

including different version), an engine version field (Bates'732: Column 11 Line

29 – 38: virus checking program executed for virus scanning is considered as a

anti-virus engine and the software version is well known in the field to distinct the

lately provided functions), a virus field (Bates'732: Column 6 Line 10 – 11).

Bates'732 does not disclose expressly the database includes a plurality of records each with a date visited field, a date modified field, and a file name field.

Bates'721 teaches the database includes a plurality of records each with a a date visited field (Bates'721: Column 10 Line 1 – 8), a date modified field (Bates'721: Column 10 Line 1 – 8 and Column 12 Line 52 – 55), and a file name field (Bates'721: Column 13 Line 33 – 35). Same rationale of combination applies here as above in rejecting the claim 81.

11. Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates (Patent Number: 6785732), hereinafter referred to as Bates'732, in view of Bates (Patent Number: 6721721), hereinafter referred to as Bates'721, and in view of Narasimhalu (Patent Number: 6058383).

As per claim 82, Bates'732 teaches the claimed invention as described above (see claim 1), Bates'732 does not disclose expressly the generating begins by crawling pages.

Bates'721 teaches the generating begins by crawling pages. (Bates'721: Figure 3 Element 42).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Bates'721 within the system of Bates'732 because Bates'721 teaches an improved virus checking

technique to provide a comparatively greater volume of virus status information with the timeliness of most updates (Bates'721: Column 3 Line 50 – 55).

Bates'721 further teaches:

the crawling pages included in a user repository of links (Bates'721: Column 12 Line 46 – 51), links entered by users (Bates'721: Column 14 Line 21 – 26 & Bates'732: Column 11 Line 56 – 58), known virus sites (Bates'721: Column 13 Line 65), links from HTML pages (Bates'721: Column 10 Line 24 – 28), virus and trojan alerts (Bates'721: Column 13 Line 9 and Column 14 Line 28 – 31: notifying the plugin a virus susceptible file is equivalent to trojan alerts), and search engine results (Bates'721: Column 8 Line 32).

However, Bates'732 as modified does not disclose expressly including the links entered through a newsgroups.

Narasimhalu teaches including the links entered through a newsgroups (Narasimhalu: Column 1 Line 32 – 40: Narasimhalu disclose the object's originality from a newsgroup link could be a potential high risk of malicious attackers).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Narasimhalu within the system of Bates'732 as modified because Narasimhalu teaches providing a more reliable virus checking technique based on whether an object meets certain trust criteria such as object's originality and integrity (Narasimhalu: Column 1 Line 26 – 40 and Column 2 Line 22 – 27).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
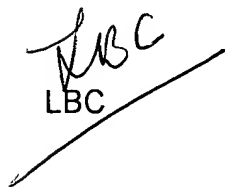
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

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free).

Longbit Chai
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